



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,487	11/11/2003	Kevin A. Kelly	D24-1e	5112
7590	04/26/2006		EXAMINER	
Eugene F. Friedman FRIEDMAN & FRIEDMAN, LTD. The 566 West Adams Building - Suite 250 566 West Adams Street Chicago, IL 60661			NGUYEN, TAM M	
			ART UNIT	PAPER NUMBER
			3764	
DATE MAILED: 04/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/705,487	KELLY ET AL.	
	Examiner	Art Unit	
	Tam Nguyen	3764	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 102-111, 193 and 194 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 110, 193, 194 is/are rejected.
- 7) Claim(s) 102-109 and 111 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.



JEROME DONNELLY
PRIMARY EXAMINER

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 102, 104, 106-109 and 111 are objected to because of the following informalities:

In claim 102:

On line 1 is the phrase "the flow of blood". It should be restated as --blood flow--

On line 10, is the word "resultants". It should be restated as --force resultants-- to correspond to the specification.

On line 11, is the phrase "the direction". It should be restated as --directions-- to clarify the subject matter.

On line 14, is the word "converter". It should be restated as --actuator-- to clarify the subject matter.

On line 16, is the word "direction". It should be restated as --directions-- to clarify the subject matter.

In Claim 104, on line 3, is the word "resultant". It should be restated as --force resultant-- to correspond to the specification.

In Claim 106:

On lines 3-4, is the phrase "base outer". It should be restated as --first-- to clarify the subject matter.

On line 4, is the word "apparatus". It should be restated as --second-- to clarify the subject matter.

In Claim 107:

Art Unit: 3764

On lines 3-4, is the phrase "base outer". It should be restated as --first-- to clarify the subject matter.

On line 4, is the word "apparatus". It should be restated as --second-- to clarify the subject matter.

In Claim 108:

On line 2, is the phrase "to said to said". It should be restated as --to said--.

On line 3, is the phrase "said two said two". It should be restated as --said two--.

On line 4, is the word "direction". It should be restated as --directions-- to clarify the subject matter.

In Claim 109, on line 2, is the word "direction". It should be restated as --directions-- to clarify the subject matter.

In Claim 111, on line 2, is the phrase "a double sided ratchet". It should be restated as --part of a double-sided ratchet-- to clarify the subject matter.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 110, 193 and 194 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use

the invention. Regarding claim 110, neither the specification, claims nor the drawings disclose how the belt can be tightened "around said patient **non-proportionally** to the magnitude of the movement of said actuator toward said chest". Regarding claim 193, there is no support in the application for a detector for determining when the force converter has converted a force to the actuator. Additionally, there is no support for the disclosure that the defibrillator is coupled to said detector to induce an electric current when the force converter has converted a force applied to said actuator. Regarding claim 194, there is no support in the application that the detector determines when the force converter has converted a maximal force to the actuator. Furthermore, there is no support for the disclosure that the defibrillator is coupled to said detector to induce an electric current when the force converter has converted a maximal force applied to said actuator.

Response to Arguments

3. Applicant's arguments with respect to claims 110,193 and 194 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 19, 2006

JEROME DONNELLY
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "JEROME DONNELLY". It consists of a stylized "J" followed by "EROME" and "DONNELLY" written in a cursive script.